IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL Nos.1785 OF 2004 AND 1839 OF 2004

WRIT APPEAL NO : 1785 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07/09/2004 in WP No : 21681 OF 1999 on the file of the High Court.)

Between:

1. Puli Meeraiah S/o Chinna Yelamanda
   R/o Annagaripalem (V) Kavali Rural (M), Nellore District
2. Puli Venkateswarlu S/o Yanadaiah
   R/o Annagaripalem (V) Kavali Rural (M), Nellore District
3. Golla Venkateswarlu S/o Somaiah
   R/o Annagaripalem (V) Kavali Rural (M), Nellore District

.... APPELLANTS

AND

1. The District Collector, Nellore District
2. The Executive Engineer, Panchayat Raj Department,
Nellore District
3. The Secretary, Kavali Agricultural Market Committee,
Kavali, Nellore District
4. Avula Ankaiah S/o Chinna Subbaiah
   R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
5. Avula Aankaiah S/o 5th Subbaiah

R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
6. Mamidi Venkata Ramanaiah S/o Somaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
7. Mamidi Veera Bhadraiah S/o Tirupalu
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
8. Mamidi Bangaraiah S/o Somaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
9. Avula Bangaru Chetti S/o 2nd Subbaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
10. Avula Jayaramaiah S/o 5nd Subbaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
11. Avaula Kondaiah S/o 5nd Subbaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
12.Mamidi Venkateswarlu S/o Somaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
13.Mamidigovindu S/o Somaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
14.Konduru Sreenu S/o Masthan
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
15.Avula Nageswara Rao S/o Kondaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
16.Chenchugari Kondaiah S/o Pothaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
17.Mamidi Babu S/o Jalaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
18.Mamidi Polaiah S/o Somaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
19.Mamidi Ramesh S/o Bangaraiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
20.Kalinji Venkateswarlu S/o Pedda Venkateswarly
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
21.Avula Subba Rayudu S/o China Kondaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
22. Mamidi Tirupalu Somaiah

R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
23. Chenchugari Subbaiah S/o Venkateswarlu
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
24. Chenchugari Chittibabu S/o Kondaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
25. Avula Tataiah S/o 4th Subbaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
26. Avula Pedda Ankaiah, S/o 2nd Subbaiah,
R/o Lakshmipuram Village, Annagaripalem
Grampanchayat, Kavali Rural Mandal, Nellore District
27. Avula Ankaiah S/o Ankaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
28. Avula Lakshmaiah S/o 5th Subbaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
29. Avula 2nd Subbaiah S/o 2nd Subbaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
30. Avula Kondaiah S/o 4th Subbaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
31. Avula 4th Subbaiah S/o Ankaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
32. Avula Nageswara Rao S/o 5ty Subbaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
33. Avula 5th Subbaiah S/o Ankaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
34. Chenchugari Lakshmaiah S/o Chetti
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
35. Avula Pedda Kondaiah S/o Pedda Subbaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
36. Mamidi Jalaiah S/o Tathaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
37 Chenchugari Pothaiah S/o Pothaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
38 Avula Subbarayudu S/o Subbaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District

39 Mamidi Venkateswarlu S/o Bangaraiah
R/o Lakshmipuram Village, Annagaripalem' Grampanchayat, Kavali Rural Mandal, Nellore District
40 Pralayakaveri Rosaiah S/o Sreeramulu
R/o Lakshmipuram Village, Annagaripalem' Grampanchayat, Kavali Rural Mandal, Nellore District
41 Mamidi Sivaramaiah S/o Tirupalu
R/o Lakshmipuram Village, Annagaripalem' Grampanchayat, Kavali Rural Mandal, Nellore District
42 Avula Subramanyam S/o Bangaru Chetti
R/o Lakshmipuram Village, Annagaripalem' Grampanchayat, Kavali Rural Mandal, Nellore District
43 Mamidi Tathaiah S/o Somaiah
R/o Lakshmipuram Village, Annagaripalem' Grampanchayat, Kavali Rural Mandal, Nellore District
44 Chemchamgari Pothu Raju S/o Pothaiah
R/o Lakshmipuram Village, Annagaripalem' Grampanchayat, Kavali Rural Mandal, Nellore District
45 Chemchamgari Kondaiah S/o Pothaiah
R/o Lakshmipuram Village, Annagaripalem' Grampanchayat, Kavali Rural Mandal, Nellore District
46 Pralayakaveri Venkateswarlu S/o Kondaiah
R/o Lakshmipuram Village, Annagaripalem' Grampanchayat, Kavali Rural Mandal, Nellore District
47 Chenchamgari Tathaiah S/o Yandhi
R/o Lakshmipuram Village, Annagaripalem' Grampanchayat, Kavali Rural Mandal, Nellore District
48 Konduru Venkateswarlu S/o Govindaiah
R/o Lakshmipuram Village, Annagaripalem' Grampanchayat, Kavali Rural Mandal, Nellore District
49 Konduru Venkateswarlu S/o Somaiah
R/o Lakshmipuram Village, Annagaripalem' Grampanchayat, Kavali Rural Mandal, Nellore District
50 Chemchamgari bangaru Chetti S/o Kondaiah
R/o Lakshmipuram Village, Annagaripalem' Grampanchayat, Kavali Rural Mandal, Nellore District
51 Pralayakaveri Venkateswarlu S/o Sreeramulu
R/o Lakshmipuram Village, Annagaripalem' Grampanchayat, Kavali Rural Mandal, Nellore District
52 Chemchamgari Pothaiah
R/o Lakshmipuram Village, Annagaripalem' Grampanchayat, Kavali Rural Mandal, Nellore District
53 Avula Nageswara Rao S/o Bangaraiah
R/o Lakshmipuram Village, Annagaripalem' Grampanchayat, Kavali Rural Mandal, Nellore District
54 Mamidi Govindu S/o Tathaiah
R/o Lakshmipuram Village, Annagaripalem' Grampanchayat, Kavali Rural Mandal, Nellore District
55 Chemchamgari Kondaiah S/o Pothaiah
R/o Lakshmipuram Village, Annagaripalem' Grampanchayat, Kavali Rural Mandal, Nellore District

56 Chemchamgari Yanadhi S/o China Pothaiah
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
57 Chemchamgari Ramanaiah S/o Venkateswarlu
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District
58 Chemchamgari Govindaiah S/o Chetty,
R/o Lakshmipuram Village, Annagaripalem'
Grampanchayat, Kavali Rural Mandal, Nellore District

..RESPONDENTS

Counsel for the Appellants: MR.UNNAM.MURALIDHAR RAO

Counsel for the Respondent Nos.1 and 2: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT.

Counsel for the Respondent No.3: _____

Counsel for the Respondent Nos.4 to 58: MR.P.KRISHNA REDDY

WRIT APPEAL NO : 1839 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07/09/2004 in WP No : 21681 OF 1999 on the file of the High Court.)

Between:

1. Avula Ankaiah, S/o. China subbaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
2. Avula Ankaiah, S/o. Subbaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
3. Mamidi Venkata Ramanaiah, S/o. somaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
4. Mamidi Veera Bhadraiah, S/o. Tirupalu,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
5. Mamidi Bangariah, S/o. Somaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
6. Avula Bangaru Chetti, S/o. 2nd Subbaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
7. Avula Jayaramaiah, S/o. 5th Subbaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
8. Avula Kondiah, S/o. 5th Subbaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,

Nellore District.
9. Mamidi Venkateswarlu, S/o. Somaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
10. Mamidi Govindu, S/o. Somaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
11. Konduru Sreenu, S/o. Masthan,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
12. Avula Nageswara Rao, S/o. Kondiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
13. Chenchugari Kondiah, S/o. Pothaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
14. Mamidi Babu, S/o. Jalaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
15 Mamidi Polaiah, S/o. Somaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
16. Mamidi Ramesh, S/o. Bangaraiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
17. Kalinji Venkateswarlu, S/o. Pedda Venkateswarlu,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
18. Avula Subba Rayudu, S/o. China Kondiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
19. Mamidi Triupalu, S/o. Somaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
20. Chenchugari Subbaiah, S/o. Venkateswarlu,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
21. Chenchugari Chittibabu, S/o. Kondiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
22. Avula Tataiah, S/o. 4th Subbaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
23. Avula Pedda Ankaiah, S/o. 2nd Subbaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
24. Avula Ankaiah, S/o. ankaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
25. Avula Lakshmaiah, S/o. 5th Subbaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,

Nellore District.
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R/o. Lakshmipuram Village, Annagaripalem Panchayat,
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31 Chenchugari Lakshmaiah, S/o. Chetti,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
32 Avula Pedda Kondiah, S/o. Pedda Subbaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
33 Mamidi Jalaiah, S/o. Tathaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
34 Chenchugari Pothaiah, S/o. Pothaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
35 Avula Subbarayudu, S/o. subbaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
36 Mamidi Venkateswarlu, S/o. Bangaraiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
37 Pralayakaveri Rosaiah, S/o. Sreeramulu,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
38 Mamidi Sivaramaiah, S/o. Tirupalu,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
39 Avula Subramanyam, S/o. Bangaru Chetti,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
40 Mamidi Tathaiah, S/o. Somaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
41. Chenchamagri Pothu Raju, S/o. Pothaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
42 Chenchamgari Kondaiah, S/o. Pothaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,

Nellore District.
43 Pralayakaveri Venkateswarlu, S/o. Kondiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
44 Chenchamgari Tathaiah, S/o. Yanadhi,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
45 Konduru Venkateswarlu, S/o. Govindiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
46 Konduru Venkateswarlu, S/o. somaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.

47 Chenchamgari Bangaru Chetti, S/o. Kondiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
48 Pralayakaveri Venkateswarlu, S/o. Sreeramulu,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
49 Chenchamgari Pothaiah, S/o. Kondaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
50 Avula Nageswara Rao, S/o. Bangaraiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
51 Mamidi Govindu, S/o. Tathaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
52 Chemchamgari Kondaiah, S/o. Pothaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
53 Chemchamgari Yanadhi, S/o. China Pothaiah,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
54 Chemchamgari Ramanaiah, S/o. Venkateswarlu,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.
55 Chemchamgari Govindiah, S/o. Chetty,
R/o. Lakshmipuram Village, Annagaripalem Panchayat,
Nellore District.

... APPELLANTS

AND

1 Pulli Meeriah, S/o. China Yemandra,
R/o. Annagaripalem Village, Kavali Mandal,

Nellore District.
2 Puli Venkateswarlu, S/o. Yanadaiah,
R/o. Annagaripalem Village, Kavali Mandal,
Nellore District.
3 Golla Venkateswarlu, S/o. Somaiah,
R/o. Annagaripalem Village, Kavali Mandal,
Nellore District.
4 The District Collector, Nellore, Nellore District.
5 The Executive Engineer, Panchayat Raj Department,
Nellore, Nellore District.
6 The Secretary, Kavali Agricultural Market Committee,
Kavali, Nellore District.

..RESPONDENTS

Counsel for the Appellants: MR.P.KRISHNA REDDY

Counsel for the Respondent Nos.1 to 3: MR.U.MURALIDHARA RAO

Counsel for the Respondent Nos.4 to 5: G.P. FOR PANCHAYAT RAJ & RURAL DEVELOPMENT.

Counsel for the Respondent No.6: _____

The Court, at the stage of admission, made the following:

JUDGMENT: **(Per Hon'ble Sri Justice B. Sudershan Reddy)**

Both the writ appeals can be disposed of by a common Judgment.

We are not inclined to interfere with the order passed by the learned single Judge, which is just and reasonable. The District Collector is required to make an appropriate enquiry into the matter in terms of the directions of the learned single Judge. The observations made in the order that during the course of the survey, if it is established that there is an existing cart track, nothing can prevent the respondents to proceed further for taking appropriate steps to lay the pucca road, in our considered opinion, does not suffer from any illegality or irregularity requiring our interference.

Be it as it may, the District Collector is seized of the matter and therefore, we are not inclined to make any further observations apart from the observations that have already been made by the learned Single Judge while disposing of the writ petition.

It shall be open to both the parties to participate in the inquiry before the District Collector. The District Collector, however, shall pass a speaking order and serve a copy upon both the parties.

Writ appeals are accordingly dismissed with the above observations. No order as to costs.

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B. SUDERSHAN REDDY, J.

Date:13-12-2004

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C.V.RAMULU, J.

GS/PV

To

1. The District Collector, Nellore District

2. The Executive Engineer, Panchayat Raj Department, Nellore District

3. The Secretary, Kavali Agricultural Market Committee, Kavali, Nellore District

4. The G.P. for Panchayat Raj & Rural Development, High Court of A.P., Hyderabad (OUT).

5. Two CD copies